

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DESMEN NORTINGTON,

Plaintiff,

Case No. 24-cv-11466

v.

Honorable Jeffrey L. Cummings District Judge

NICU TOHATAN, MARIO FUENTES,
JOSEPH VECCHIO, ZACHARY
CARMEN, CRYSTINA KITTRELL,
KENNETH SUNDE, and CITY OF
CHICAGO,

Honorable Beth W. Jantz Magistrate Judge

Defendants.

JOINT STATUS REPORT

NOW COME Plaintiff, Desmen Northington, by and through his undersigned counsel, and Defendants, Nicu Tohatan, Mario Fuentes, Joseph Vecchio (“Defendant Officers”), and City of Chicago (“the City”) (collectively “Defendants”), by and through their undersigned counsel, and pursuant to this Court’s order of May 19, 2025 (Dkt. 57), present their Joint Status Report, and state as follows:

1. The parties have propounded and answered written discovery, and have engaged in a preliminary Rule 37.2 conference on May 15, 2025, to discuss claimed deficiencies in the parties’ respective responses. The City made a supplemental production of documents on May 15, 2025. On May 29, 2025, Plaintiff’s counsel sent a LR 37.2 letter to Defense counsel. On June 9, 2025, Defense counsel responded to Plaintiff’s letter and further addressed the deficiencies in Plaintiff’s

interrogatory responses. The parties are attempting to resolve their differences before seeking Court intervention.

2. At this time, the parties have no discovery disputes that require the Court's attention.

3. Defendant City filed its motion for a protective order on April 29, 2025. (See Dkt. 48.) The motion was granted on May 8, 2025. (See Dkt. 49.)

4. Defendant City filed a motion for a protective qualified HIPAA and MHDDCA order on May 9, 2025. (See Dkt. 52.). The motion was granted on May 16, 2025. (See Dkt. 55.)

5. Defense counsel, Benjamin Barr, filed a motion to withdraw as attorney for individual defendants on May 20, 2025. (See Dkt. 58.) The motion was granted on June 12, 2025. (See Dkt. 59.)

6. Plaintiff's counsel has requested available dates for defendants' depositions from defense counsel on several occasions since May 1, 2025. Due to new defense counsel being assigned to this case and the schedules of counsel for the City, Defense counsel provided availability for Defendants' depositions in late July.

7. Defendants sent an offer of judgment to plaintiff's counsel on June 11, 2025.

8. Plaintiff did not respond to the OOJ within 14 days.

9. The parties have scheduled the deposition of Sgt. Eric Seng (non-party) for July 10, 2025.

10. The parties anticipate the need for the following depositions:

- Plaintiff, Desmen Northington
- Officer Nicu Tohatan
- Officer Mario Fuentes
- Officer Joseph Vecchio

- Sgt. Eric Seng
- City of Chicago's 30(b)(6) deposition
- Plaintiff's Damages witnesses
- Plaintiff's Fact witnesses
- Possibly additional witnesses depending on discovery responses.

11. There have been multiple settlement discussions. The parties do not request a settlement conference at this time.

Respectfully submitted,

/s/ Jordan Marsh
Attorney for the Plaintiff

/s/ Simerdeep Kaur
Attorney for the Defendant City of Chicago

/s/ David Condon
*Attorney for the Defendants Tohatan, Fuentes
and Vecchio*

CERTIFICATE OF SERVICE

I certify that on July 1, 2025, I served a copy of the foregoing JOINT STATUS REPORT on all counsel of record by filing the same on the Court's ECF system.

/s/ Jordan Marsh